

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jun 24, 2024**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Mariela Del Rosario Penaloza Case Number: 0980 1:22CR02032-SAB-1

Address of Offender: [REDACTED] Selah, Washington 98942

Name of Sentencing Judicial Officer: The Honorable Timothy S. Black, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: October 30, 2020

Original Offense: Conspiracy to Possess With Intent to Distribute Fentanyl & Heroin, 21 U.S.C. §§
841(a)(1), (b)(1)(C), and 846Original Sentence: Prison - 36 months Type of Supervision: Supervised Release
TSR - 60 months

Asst. U.S. Attorney: Michael David Murphy Date Supervision Commenced: July 30, 2021

Defense Attorney: Federal Defender Date Supervision Expires: July 29, 2026

PETITIONING THE COURT

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on June 7, 2024.

On August 3, 2021, supervised release conditions were reviewed and signed by Ms. Penaloza, acknowledging her understanding of her conditions. On August 23, 2023, in lieu of a revocation judgment, the Court entered an order (ECF 30), which included imposing new special conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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10

Standard Condition #2: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: Ms. Penaloza is alleged to have violated her supervised release conditions by failing to report to the probation office on June 17, 20, and 21, 2024.

On June 17, 2024, at 1 p.m., this officer made telephonic contact with Ms. Penaloza and instructed her to report to the probation office on this same date before 3:30 p.m. Ms. Penaloza verbalized an understanding and indicated she would report this same afternoon. Ms. Penaloza failed to report to the probation office and did not attempt to make contact with this officer on June 17, 2024, as previously instructed.

Prob12C

Re: Penaloza, Mariela Del Rosario**June 21, 2024****Page 2**

On June 18, 2024, at 12:28 p.m., this officer attempted to make telephonic contact with Ms. Penaloza, and was unsuccessful. Later this same date, United States Probation Officer (USPO) Casey and this officer attempted to make contact with Ms. Penaloza at her last reported residence. It should be noted, USPO Casey observed an individual peak through the bedroom blinds, but the individual did not open the door. This officer attempted to make telephonic contact with Ms. Penaloza and Ms. Penaloza's mother, but was unsuccessful. Therefore, this officer's business card with a next report date of June 20, 2024, was left on Ms. Penaloza's vehicle's windshield and on the front door of her apartment unit.

On June 20, 2024, Ms. Penaloza did not report to the probation office as instructed. Instead, 40 minutes after her appointment, she sent this officer a text message reporting, "...I might be home later, my neighbor told me that U.S. probation came, I will turn myself in." Later this same date, this officer attempted to make telephonic contact with Ms. Penaloza and was unsuccessful. This officer later sent a text message to Ms. Penaloza instructing her to report to the probation office on June 21, 2024, before 9 a.m. to discuss her supervision as this officer would not be communicating with her via text message.

On June 21, 2024, Ms. Penaloza did not report to the probation office as instructed. Instead, about 46 minutes after her appointment, Ms. Penaloza sent this officer a text message reporting, "...I will be home later this afternoon once I get dropped off. Did not see your card until my neighbor told me." Approximately 2 minutes later, this officer attempted to make telephonic contact with Ms. Penaloza and was unsuccessful. This officer was also unable to leave a voice message on Ms. Penaloza's telephone number.

- 11 **Special Condition #2:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Ms. Penaloza is alleged to have violated her supervised release conditions by failing to submit to a random urinalysis (UA) at Merit Resource Services (Merit) on June 18, 2024.

On August 3, 2021, and May 3, 2023, Ms. Penaloza reviewed the Eastern District of Washington substance abuse testing instructions, acknowledging her understanding of the drug testing program. She was instructed to call Merit's federal colorline system beginning May 31, 2023, and when her assigned color was called, she was to report and submit a UA.

On June 20, 2024, Merit reported to the United States Probation Office that Ms. Penaloza failed to report and submit to a UA on June 18, 2024.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court, and that the Court issue a warrant.

Prob12C

Re: Penaloza, Mariela Del Rosario

June 21, 2024

Page 3

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 21, 2024

s/Araceli Mendoza

Araceli Mendoza
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

6/24/2024

Date